# JUVENILE COURT PERSONNEL ADVISORY COMMISSION REPORT

#### JUVENILE COURT PERSONNEL ADVISORY COMMISSION

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#### JUVENILE COURT PERSONNEL ADVISORY COMMISSION

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CHAIR:
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STATE COURT ADMINISTRATOR

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December 31, 1996

The Honorable Mel Carnahan Governor of Missouri State Capitol Building Jefferson City, Missouri 65101

Dear Governor Carnahan:

On behalf of the Juvenile Court Personnel Advisory Commission, I am pleased to present the findings and recommendations of the Commission.

The Commission undertook the completion of its responsibilities with the full understanding that the subjects of juvenile court personnel and juvenile detention had been previously studied by numerous groups. The Commission was also mindful that previous reports and recommendations, although meritorious, exceeded the resources of state and county governments. From the outset, the Commission determined to seek fiscally responsible solutions to a limited number of the most pressing problems confronting the administration of the juvenile justice system. The recommendations provide a mechanism for expanding the state's role, should funding become available in the future.

It is now time to focus attention on necessary changes in the juvenile justice personnel system, to ensure fair and equitable compensation and benefit plans for those professionals who are charged with the responsibilities to serve the public in this critical area. It is necessary that juvenile/family courts are given the resources to attract and retain competent staff.

We appreciate your confidence in and support of the Commission throughout this process. We hope that the recommendations which we have prepared will be useful to you and the General Assembly in your collective efforts to effect additional improvements to this important area of government, the Juvenile Justice System in the state of Missouri.

Sincerely,

Ronald L. Larkin, Chairman

Ronald Harkin

RLL/jh

#### STATUTE REQUIRING ESTABLISHMENT OF COMMISSION

#### Section 37.510, RSMo

There is hereby created in the office of administration the "Juvenile Court Personnel Advisory Commission". Such commission shall be appointed by the governor. The membership shall include a member of the house of representatives, a member of the senate, and members representing the courts, the state courts administrator, the department of social services, the office of administration, MOSERS, and the counties. The members of the commission shall not be paid but shall be reimbursed for any necessary expenses associated with their duties.

- 2. By July 1, 1996, the commission shall present a report to the governor. Such report shall:
- (1) Analyze whether creation and funding of a uniform personnel system for the operation of the juvenile courts is needed;
  - (2) Study whether specific job qualifications for juvenile court personnel are needed;
- (3) Examine the rate at which the state reimburses the county for detention costs; and
- (4) Study how to aid regionalization of detention centers, if regionalization of centers is needed.
  - 3. This section shall expire July 1, 1996. \*
- \* The Commission was extended by an executive order of the Governor until December 31, 1996.

#### EXECUTIVE SUMMARY

1. Analyze whether creation and funding of a uniform personnel system for the operation of juvenile/family courts is needed.

#### Recommendation:

- A uniform <u>statewide</u> personnel system for the state of Missouri is not recommended.
- Employees in circuits which have at least one second, third or fourth class county should become state employees and be placed under a uniform personnel system.
- Judicial circuits comprised solely of first-class counties should be EXEMPT from a statewide system and employees should be considered county or city employees.
- 2. Study whether specific job qualifications for juvenile/family court personnel are needed.

#### Recommendation:

- Uniform statewide job descriptions are not recommended.
- Juvenile/family court employees in EXEMPT circuits would be subject to locally developed job descriptions.
- Juvenile/family court personnel who are transferred to the state payroll would be governed by the Circuit Court Personnel System. Job descriptions are an integral part of this system.
- 3. Examine the rate at which the state reimburses the county for detention costs.

#### Recommendation:

- The rate of reimbursement should be increased for EXEMPT counties and sufficient funds should be appropriated to pay the actual amount due.
- The rate of reimbursement should remain at the current level for those circuits in which employees become state employees.
- 4. Study how to aid regionalization of detention centers and/or if regionalization is needed.

#### Recommendation:

- The General Assembly should provide enabling legislation as currently exists for regional jails to encourage counties to establish regional juvenile detention centers.
  - The Missouri Division of Youth Services should consider the feasibility of allocating a limited number of beds in regional treatment centers for use as detention resources.

#### COMMISSION FINDINGS AND RECOMMENDATIONS

## Task I. Analyze Whether the Creation and Funding of a Uniform Personnel System for the Operation of the Juvenile/Family Court is Needed

#### **Findings**

- 1. There is no uniform personnel system in place for juvenile/family court employees in the state of Missouri.
  - Each of the forty-five circuits is administered independently by the individual circuit court.
  - Personnel practices, job descriptions, training requirements and compensation plans are locally developed and administered. They vary from circuit to circuit.
  - Minimum salaries for juvenile/family court personnel have been set by statute; however, some circuits pay employees in excess of the statutory amount while others pay less than the statute requires.
  - Under some circumstances, juvenile/family court employees cannot transfer from circuit to circuit without a loss of tenure and without a change in benefit plans.
- 2. Juvenile/Family court personnel are not clearly defined as county or state employees.
  - There is no clear-cut answer to the question frequently posed by juvenile/family court personnel, "Who is my employer?"
  - Forty-five Chief Juvenile Officers are compensated the statutory amount of their salaries by the state and receive state benefits from the state on their statutory salary. Chief Juvenile Officers may receive additional compensation and benefits from the county.
  - All other juvenile/family court personnel are compensated by the county(ies) and may or may not receive benefits.
  - All juvenile/family court personnel are considered state employees for the purposes of workers compensation and for representation through the legal expense fund.

- Juvenile/family court employees are not considered county employees by The County Employees Retirement Fund (CERF) and are denied participation and benefits.
- In certain circuits, juvenile/family court employees are provided retirement benefits through The Local Government Employees Retirement System (LAGERS). In other circuits, they are not.
- 3. There is no consensus among juvenile/family court personnel regarding the issue of becoming state employees.
  - Some juvenile/family court employees, primarily from metropolitan circuits, testified that becoming state employees would be detrimental, resulting in a possible reduction in salary and benefits.
  - Some juvenile/family court employees testified that becoming state employees would resolve compensation and benefit issues.
  - Some juvenile/family court employees testified that the state should assume the cost of retirement and health care benefits only while leaving local administration and compensation in place.
  - Some juvenile/family court employees expressed concern about loss of local control in becoming state employees, particularly by relying on the state budget process for acquiring additional staff or for establishing new programs.
- 4. State reimbursement to circuits composed of a single county of the first class for personnel costs as set forth in Section 211. 393, RSMo has remained frozen at five percent since the enactment of the statute in 1988.
- 5. Some circuits find it difficult to attract and retain qualified staff.
  - There is no long range compensation plan, little training and, in some circuits, no retirement or health care benefits.
  - Twelve circuits reported some salaries below the statutory amounts.
  - Many circuits report paying statutory salaries, or over, as permitted by law.
  - Juvenile/Family court staff frequently work long hours, a situation which needs to be addressed.

- 6. Most County Commissioners and/or local units of government support the state assuming control and financial responsibility for personnel of the juvenile/family court.
  - Commissions contend that the juvenile court is a division of the state court system, therefore the state should assume responsibility.
  - County commissioners or local units of government have limited control over funding and are subject to judicial mandates regarding the expenditure of funds.
    - Recently there have been new statutory mandates for the operation of the juvenile/family court that require additional personnel, putting additional financial burdens on counties.
    - Counties simply cannot afford the costs of operating adequately staffed juvenile/family courts.
    - County-paid juvenile/family court personnel frequently follow the state policies applicable to state-paid staff, e.g., state holidays, causing conflict with other county employees.
- 7. Professional standards and training standards for juvenile/family court personnel are not set forth in statute.
  - Qualifications for juvenile/family court personnel currently set forth in statute, Section 211.361, RSMo, were written in 1957 and do not adequately reflect current requirements for professional staff.
  - There are no minimum training standards or requirements for juvenile/family court personnel, except at the local level. They are not uniform throughout the state. Funds for training are extremely limited.

#### Recommendations

- 1. A uniform, statewide personnel system for the state of Missouri is NOT recommended.
  - No single solution will meet the needs of forty-five individual circuits in the state of Missouri.
  - The imposition of a uniform state-wide system would positively affect some circuits, and adversely affect other circuits.

- Testimony at public hearings and written testimony supports solutions which will allow some circuits to maintain current personnel systems.
- Cost factors must be realistic. The development and implementation of a state-wide personnel system would be cost prohibitive to the state of Missouri, totaling approximately 34.8 million dollars in calendar year (CY) 1996 budget projections.
- 2. Judicial circuits comprised solely of first-class counties and the City of St. Louis should be EXEMPT from inclusion in a state-wide system and employees should be county or city employees. These circuits are 6, 7, 11, 16, 19, 21, 22, 23, 29, and 31.
  - Employees in these circuits should be governed by the personnel policies and compensation plans of that circuit.
  - These circuits have developed and funded adequate compensation and benefit plans.
  - Funding the salaries for juvenile/family court personnel should be retained by the counties or city.
  - The financial responsibility of immediately converting the funding of these circuits to the state of Missouri would be prohibitive, totaling approximately 28.9 million dollars as determined by CY 1996 budget estimates.
- 3. The General Assembly of the state of Missouri should consider new legislation for the reimbursement of personnel costs to judicial circuits which are EXEMPT from inclusion in a state-wide system.
  - The state should retain the responsibility to reimburse the county or city for the statutory amount of the Juvenile Officer salary.
  - Section 211.393, RSMo should be repealed and a new section should be enacted. The provisions should include:
    - ♦ The current, five percent per year increasing reimbursement formula should be repealed.
    - ♦ The state should reimburse personnel costs to these counties at the rate of five percent of the CY 1996 juvenile/family court personnel budget.
    - ♦ Future increases in state reimbursement to EXEMPT counties, above the five percent, should be tied to state increases as specified in Section 105.005, RSMo.
- 4. Any EXEMPT circuit should be able to apply later to the General Assembly for its employees to become state employees. Such approval should be contingent upon full appropriation of funds for that purpose.

- 5. Employees in circuits which have at least one second, third or fourth class county should become state employees subject to the following considerations.
  - Only those county-paid employees who are performing duties which are required by statute under Chapter 211, RSMo, should become state employees. Therefore, employees who should become state employees include:
    - ♦ Full time employees.
    - ♦ Part time and hourly employees.
    - ♦ Detention employees.
  - Employees who become state employees should be governed by the laws and policies for all other state employees.

Those employees who would NOT become state employees include:

- ♦ Federal grant employees.
  - ♦ DYS Diversion Grant employees.
  - Other grant or privately funded employees.
  - ♦ Residential care employees.
- Positions included in the CY 1996 circuit budget, including unfilled vacant positions, (subject to the same provisions indicated in the preceding recommendation), should be transferred to the state payroll.
- The base salary of employees who become state employees under this recommendation should be that amount set forth in the CY 1996 county budget. These salaries should remain frozen until completion of a job study, classification system study and compensation plan study by the State Court Administrator's Office. Increases, prior to the completion of the study, should be limited to:
  - Employees who are currently paid above the statutory amounts would receive state cost of living increases only.
  - Employees who are currently paid at or below the statutory amount would receive any state increases, including cost of living and any other increases in the state pay plan.
- Employees who become state employees under this recommendation should be subject to administration by the Circuit Court Personnel System provided in Supreme Court Administrative Rule 7.
- Employees who become state employees under this recommendation should be enrolled in the state benefit plan on the effective date of transfer. Prior service credit as a juvenile/family court employee should be granted, with the assets of the employee's LAGERS account transferred to MOSERS.

- A "substantial hardship" provision should be included to permit any individual employee to petition the State Courts Administrator's Office to remain in his/her present status if the transfer to state payroll would result in a significant loss of insurance, retirement, or other benefits. The state should reimburse the county for the salary and benefits for persons granted substantial hardships at the amount the state would have paid had they become state employees.
- Stabilization rules controlling salary levels, similar to those used when circuit clerks became state employees in 1980, should be developed, adopted and implemented by the Supreme Court.
- 6. Any county in which juvenile/family court personnel become state employees should be required to maintain in the local juvenile court budget an amount not less than the total amount spent for juvenile court services in CY 1996, minus the state reimbursement received for personnel costs on the salaries for juvenile/family court employees converted to state employment.
  - No county should experience a "financial windfall" as a result of state assumption of personnel costs.
  - Counties should continue the same level of funding and use these financial resources for new services or to improve the quality of existing juvenile/family court services.
  - Counties may employ and assign staff to the juvenile/family court, in addition to those who have become state employees, to perform special functions. These staff would not become state employees.
- 7. Statutory salaries should be eliminated and replaced with a classification system, compensation plan, and training standards for those circuits in which employees become state employees.
  - The State Courts Administrator's Office should assume the responsibility of developing the classification system, compensation plan and training standards for non EXEMPT counties.
  - Funds for the completion of these studies should be requested from the General Assembly for fiscal year (FY) 1998.
  - Training programs which are developed and provided by the State Court Administrator's Office should be made available to EXEMPT circuits on a voluntary participation basis.

#### 8. Summary

- There has been a continuing public focus on juvenile justice and juvenile crime.

  Both local communities and the state should commit their resources and share the responsibility for providing service to the 78,000 children who come before the juvenile/family courts in the state of Missouri each year.
- The above recommendations address the concerns raised in public testimony, both written and verbal, and provide recommendations for solutions to the pressing problems and inequities within the juvenile justice system. They ensure that all juvenile/family court personnel in the state of Missouri are provided adequate compensation plans and employee benefit programs, to serve the public effectively in this critical area.
- The answer to the question, "Who is my employer?", is addressed. Employees in those circuits which are EXEMPT would be county or city employees, while employees in other circuits would be state employees.
- The recommendations require retaining a fixed level of local financial responsibility for juvenile/family courts, while transferring additional costs to the state within a framework of fiscal constraint.
- Each circuit is provided the opportunity to attract and retain competent staff to perform the varied and complex responsibilities required of juvenile/family courts.
- A positive personnel environment is established for all juvenile justice professionals as they provide direct services to children and families who come to the attention of the juvenile/family courts in the state of Missouri.

## Task II. Study Whether Specific Job Qualifications for Juvenile/Family Court Personnel are Needed

#### **Findings**

- 1. Qualifications for juvenile/family court personnel currently set forth in chapter 211, RSMo were written in 1957 and do not adequately reflect current requirements for professional staff.
  - Statutory changes from 1957 to the present require additional skills and training for juvenile/family court personnel, specifically in:
    - ♦ New legal requirements.
    - ♦ Permanency planning and child development issues.
    - ♦ Juvenile probation and delinquency control.
    - ♦ Office and personnel management.
    - ♦ Data collection and analysis.
- 2. Except for the limited qualifications set forth in statute, there are no uniform, specific job qualifications or descriptions for juvenile/family court personnel in the state of Missouri.
  - Some circuits have developed specific written job qualifications, unique to the staffing requirements within that circuit.
  - Some circuits have no written job qualifications other than those contained within the existing statute.

#### Recommendations

- 1. Statewide uniform job descriptions are not recommended.
  - Testimony at public hearings and written testimony indicate that metropolitan circuits have extensive personnel classification systems in place, unique to local staffing and program needs. These employees would be EXEMPT from becoming state employees.
  - Statewide uniform job descriptions may not provide sufficient flexibility to meet the highly specialized staff requirements of metropolitan courts.
- 2. Juvenile/family court employees in EXEMPT circuits would be subject to locally developed job descriptions.
  - Uniform job descriptions for exempt circuits are not needed and may, in fact, be limiting and non-inclusive.

- EXEMPT circuits may utilize job descriptions developed by the State Court Administrator's Office on a voluntary basis.
- 3. Juvenile/family court personnel who are transferred to the state payroll would be governed by the Circuit Court Personnel System. Job descriptions are an integral part of this system.
  - Employees would be transferred to the state payroll with their current job titles/descriptions pending the completion of a personnel classification study.
  - An appropriation should be sought from the General Assembly of the State of Missouri for FY 1998 to complete the personnel classification study and to develop specific job descriptions for newly acquired state employees.
  - Employees who become state employees should be administered under the Circuit Court Personnel System.
    - ♦ This system was authorized by statute effective July 1, 1981. (Section 483.245 and 485.010, RSMo)
      - Supreme Court Administrative Rule 7 should govern individual circuit court personnel policies and practices in which employees become state employees.
- 4. Judicial circuits in which employees become state employees should be subject to oversight by the Circuit Court Budget Committee.
  - The Committee is comprised of judges appointed by the Supreme Court and is staffed by the Office of State Courts Administrator. Its responsibilities include:
    - Development of annual budget requests.
    - ♦ Administration of the personnel system.
    - ♦ Allocation of state appropriation among the circuits.
    - ♦ Review and recommendation of requests for personnel.
    - ♦ Review and reclassification of positions.
    - $\Diamond$   $\;\;$  Recommending changes in the system structure.

#### 5. Summary

- These recommendations ensure that each juvenile/family court employee in the state of Missouri will be subject to a job description and personnel classification plan.
- These recommendations continue local control in EXEMPT circuits where funding responsibilities remain with the county.
- These recommendations ensure state administrative responsibility for those employees for whom the state has assumed financial responsibility.

## Task III. Examine the Rate at Which the State Reimburses the County for Detention Costs

#### **Findings**

- 1. State reimbursement rates to counties for detention fall far below the actual per diem costs of detaining juveniles.
  - The state of Missouri is currently reimbursing at the rate of \$11.73 per day for each child held in secure or non-secure detention.
  - The state of Missouri is authorized to reimburse at the rate of \$14.00 per day, pursuant to Section 211.156, RSMo.
  - Actual costs for detention range from approximately \$45.00 per day to \$120.00 per day.
- 2. The Supreme Court Rules which establish standards for detention centers in Missouri have increased administrative and professional requirements of staff, thereby increasing the costs for maintaining detention centers.
  - The standards have established a minimum level of care in all detention centers for juveniles.
  - The standards set forth requirements regarding staffing patterns, accountability, health care provisions, etc.
- 3. Staffing patterns have been affected by the requirements of the Federal Fair Labor Standards Act, resulting in the necessity for increased personnel.

#### Recommendations

- 1. In circuits which are EXEMPT, state reimbursement for detention costs should be increased.
- Detention employees in EXEMPT circuits remain county employees, with the county retaining financial responsibility for these employees. Personnel costs are the single largest expenditure in maintaining detention centers.
  - The General Assembly should be encouraged to review the amount authorized by statute, \$14.00 per day, and to consider favorably a long-range plan which would establish equity between the amount of reimbursement for the detention of adults and juveniles.
- 2. In circuits where employees become state employees and in which detention centers are operated, reimbursement for detention costs should be frozen at the FY 1997 funding level.
  - Personnel costs are the single largest expenditure in maintaining detention centers. Pursuant to prior recommendations, the state would assume financial responsibility for the personnel costs of detention employees. State reimbursement at the current level would provide some continuing financial assistance to the counties.
- 3. In circuits where employees become state employees and in which there are no detention centers, reimbursement of detention costs should be frozen at the FY 1997 funding level.
  - The state would assume financial responsibility for personnel costs in these circuits.
    The county should retain financial responsibility for the purchase of detention
    services from other circuits and for the costs of transporting juveniles. However,
    state reimbursement at the current level would provide some continuing financial
    assistance to the counties.

## Task IV. Study How to Aid Regionalization of Detention Centers, if Regionalization of Centers is Needed

#### **Findings**

- 1. Juvenile/family courts in many circuits which do not operate detention centers are not readily able to access secure detention services for juveniles in their jurisdiction.
  - These circuits generally contract with other circuits operating detention centers, necessitating the transportation of juveniles long distances to a circuit which has a vacancy.
  - Frequently, juvenile officers travel in excess of one hundred miles to the first available detention center with a vacancy.
  - Multiple trips for the detention of a single juvenile may occur for the:
    - ♦ Initial detention.
    - ♦ Detention hearing.
    - ♦ Certification hearing, if required by statute.
    - ♦ Adjudication and dispositional hearing.
  - The costs to these circuits, in time and money for travel, are extensive.
- 2. Juvenile/Family courts which operate detention facilities are frequently unable to assist circuits without facilities.
  - With the increase in violent and/or repeat offenders, there is an increased need for secure detention.
  - Lengths of stay in detention are increasing because of statutory requirements for certification, multiple hearings, and a backlog of juveniles awaiting placement with Missouri Division of Youth Services.
- 3. Although nineteen circuits currently operate detention centers and two circuits are constructing facilities which will open in 1997, there are large areas in Missouri which have no ready access to detention resources.
  - There are thirteen circuits north of Interstate 70 and three circuits in southeastern Missouri without detention centers, all of which are a considerable distance from the nearest detention center.

#### Recommendations

- 1. The general assembly should provide enabling legislation as currently exists for regional jails, Section 221.400, RSMo, to encourage counties to establish regional detention centers.
- 2. The Missouri Division of Youth Services should consider adding or allocating a limited number of beds in regional treatment centers for use as detention resources for adjoining circuits without detention centers.
  - With the current construction of new facilities within Division of Youth Services, it is appropriate at the present time to consider the additional utilization of these resources for detention purposes.
  - Circuits utilizing DYS detention facilities should pay the actual cost of care for the
    detention of juveniles so there is no increase in state costs resulting from providing
    these services.

#### 3. Summary

- Two additional regional detention facilities in northern Missouri would create readily accessible detention services for circuits in that geographic area.
- One additional regional detention facility in southern Missouri would create readily accessible detention services for circuits in that geographic area.
- These facilities could be operational through the addition of regional DYS resources, through a cooperative agreement between circuits, or a combination of both.

#### FISCAL IMPACT OF COMMISSION RECOMMENDATIONS

Task I. Analyze Whether the Creation and Funding of a Uniform Personnel System for the Operation of the Juvenile/Family Court is Needed

Approximate increase in annual cost to state for juvenile court personnel in non-exempt counties (based on 1996 survey).

Cost		Assumptions
Salaries: Asset in Assetual Const	6.0 Million	(estimated approximately 240 FTE)
Retirement:	.6	(10% employee contribution)
OASDHI:	.5	(actual federal rate at 7.51%)
Medical:	5	(actual state rates)
	7.6 Million	
Less Current Reimbursement	1.6 Million	
	6.0 Million	

The actual amount required will be determined by an FY97 survey of affected positions. Salary increases occurring between FY96 and FY98 shall not exceed the state plan for FY97 and FY98.

Additional costs will be required in the future to implement the minimum training standards to be established for juvenile/family court personnel.

### Task II. Study Whether Specific Job Qualifications for Juvenile/Family Court Personnel are Needed

Cost

#### Assumptions

**Comprehensive Job** \$50,000 - \$100,000 **Classification Study** 

Amount of personnel and travel expense required to conduct study.

## Task III. Examine the Rate at Which the State Reimburses the County for Detention Costs

The increase in annual cost to the state to raise the reimbursement rate to \$14.00 per day from the current rate of \$11.73 per day.

Cost

#### Assumptions

\$600,000

Based on 1995 actual billings

## Task IV. Study How to Aid Regionalization of Detention Centers, if Regionalization of Centers is Needed

**Approximate Cost** 

#### Assumptions

Unknown

Potential capital cost is subject to space needs and design considerations which require further study. Operating expenses to be reimbursed by counties. Personnel costs may be assumed by the state, subject to appropriations for that purpose.

#### **CHRONOLOGY OF COMMISSION ACTIVITIES**

#### February 14, 1996 - Governor Appoints Commission

March 18, 1996 - First Commission meeting, election of officers, development of study plan

#### **Public Hearing Dates and Locations:**

April 12	1st Public Hearing - St. Louis County
April 26	2nd Public Hearing - Macon County
May 10	3rd Public Hearing - Greene County
May 22	4th Public Hearing - Lake Ozark
May 24	5th Public Hearing - Sikeston
June 14	6th Public Hearing - Jackson County

#### Meetings held by the Commission:

July 11 and 12, 1996	Review results of testimony received at public hearings.
	Presentation by Retirement personnel.
September 12 and 13, 1996	Begin preliminary discussion and begin development of
	recommendations.
October 25, 1996	Discuss remaining issues and financial impacts. Develop outline
	for final report.
November 22, 1996	Review draft of final report and finalize recommendations.

#### INSIDE BACK COVER

Copies of minutes of Commission meetings, summaries of testimony received at public hearings, and materials submitted to the Commission in the course of its deliberation may be obtained by writing The Office of Administration, Division of Accounting, P. O. Box 809 Jefferson City, MO 65102.